



RESOLUTION

URGING THE HAWAII STATE LEGISLATURE TO ENACT LEGISLATION THAT WOULD AUTHORIZE THE COUNTIES TO REQUEST NATIONAL CRIMINAL BACKGROUND CHECKS FROM THE FEDERAL BUREAU OF INVESTIGATION FOR TAXICAB DRIVERS AND APPLICANTS FOR TAXICAB DRIVERS' CERTIFICATES.

WHEREAS, privately operated public passenger vehicle service provides vital transportation links to the state and its people; and

WHEREAS, HRS Sec. 46-16.5 authorizes the counties to protect the public health, safety, and welfare by licensing, controlling and regulating public passenger vehicle services, including the picking up and discharging of passengers from various unrelated locations by taxicab; and

WHEREAS, the City and County of Honolulu has adopted ordinances and administrative rules addressing the supervision, regulation, and control of the transporting of passengers or property for hire in a taxicab; and

WHEREAS, such measures include provisions relating to criminal background checks for applicants for taxicab drivers' certificates from the Honolulu Police Department records division that are considered in determining whether an applicant may pose a danger to the health, safety, or welfare of the traveling public; and

WHEREAS, it is unclear, however, whether the City has the authority to access the database of the Federal Bureau of Investigation (FBI) in order to conduct nationwide criminal background checks on applicants for taxicab drivers' certificates; and

WHEREAS, accordingly, the City's ability to determine whether a taxicab driver certification applicant has been convicted of a crime in another state, territory, commonwealth, or other jurisdiction of the United States is limited; and

WHEREAS, the City's Corporation Counsel has advised the Council that in order to access the FBI's database, an "umbrella" statute must be enacted by the state legislature to authorize the release of criminal history record information to the county agencies responsible for taxicab regulation; and

WHEREAS, the enactment of such a statute would allow the counties to conduct national criminal background checks on taxicab drivers and applicants for taxicab drivers' certificates and increase the safety and security of Hawaii residents and visitors who utilize taxicab services; now, therefore,



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BE IT RESOLVED by the Council of the City and County of Honolulu that the Hawaii State legislature is urged to enact legislation that would authorize the counties to request national criminal background checks from the Federal Bureau of Investigation for taxicab drivers and applicants for taxicab drivers' certificates; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Governor of the State of Hawaii, the President and all members of the Senate of the Hawaii State Legislature, the Speaker and all members of the House of Representatives of the Hawaii State Legislature, the Mayor of the City and County of Honolulu, the Managing Director, and the Director of Customer Services.

INTRODUCED BY:

DATE OF INTRODUCTION:

JAN 22 2016

Honolulu, Hawaii

Councilmembers